HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Revision No. 152 of 2004

Such Pal S/o Jag Ram
R/o Village Kalshiya
P.S. Khanpur, Tehsil Laksar
District Haridwar ……Applicant

Versus

1. Principal Judge, Family Court, Haridwar
2. Balesh D/o Ilam Chand ……Respondents

Hon'ble J. C. S. Rawat, J.

Heard Sri Parikshit Saini learned counsel for the applicant and Sri Navneet Kaushik i/b for Sri Nagesh Agarwal learned counsel for the respondent no.2-wife.

This criminal revision has been filed against the order dated 31.7.2004 passed by the Principal Judge, Family Court, Haridwar in Case No.219/2003, whereby the Principal Judge has directed to the revisionist-husband to pay the interim maintenance @ Rs.1500/- per month to the respondent no.2-wife.

Perusal of the record reveals that the wife-respondent no.2 has alleged in his application under section 125 Cr.P.C. that the marriage was solemnized before seven years of the filing of the application under section 125 Cr.P.C.

The learned counsel for the applicant has denied that the marriage was solemnized between the parties. The Principal Judge had relied upon the affidavit and voter-list filed by the respondent no.2-wife in which the respondent no.2-wife has been shown as the wife of Sukh Pal. The Principal Judge has held that there is sufficient evidence that the marriage was solemnized between and parties and as such the learned Principal Judge has awarded the interim maintenance @ Rs.1500/- to the respondent no.2-wife.

Keeping in view of the above, I do not find any illegality in order dated 31.7.2004 passed by the Principal Judge, Family Court, Haridwar in Case No.219/2003 and the Principal Judge has not acted without jurisdiction. Therefore, the revision lacks merit and is liable to be dismissed.

The revision is hereby dismissed in limine.

(J. C. S. Rawat, J.)

Dated 23.9.2004